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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,188	12/04/2001	Phil Glynn	2267.574US02	6936

24113 7590 02/04/2005

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT PAPER NUMBER

3727

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,188	Applicant(s) GLYNN ET AL.	
	Examiner Stephen J. Castellano	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3727

Applicant's election with traverse of Group I, claims 1-9, in the reply filed on November 29, 2004 is acknowledged. The traversal is on the ground(s) that the groups are substantially similar and applicant views this not to be a burden to the examiner. This is not found persuasive because it is the examiner who decides whether the examination of further groups would be a burden and the examiner has shown the groupings to be different and distinct.

The requirement is still deemed proper and is therefore made FINAL.

Claims 10-14 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on November 29, 2004.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is indefinite because the claim doesn't have an ending to the preamble. There is no claim body. The entire claim is a preamble and no structure is recited after the preamble.

Claim 7 has been made dependent on claim 6. Claim 6 has a preamble which states "a wafer container system." The preamble of claim 7 doesn't match the preamble of 6 and causes confusion as to the metes and bounds of claim 7. Is claim 7 directed to a wafer container system or to only the adaptor plate. Claims 8 and 9 are similarly indefinite.

Art Unit: 3727

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimori et al.

(Fujimori).

First interpretation of Fujimori: Reads on claims 1, 4, 6, 8 and 9.

For claims 1, 4, 6 and 9, Fujimori discloses a wafer container system comprising:

a container portion with an open front, a top and a bottom;

a door for closing the open front;

a machine interface (V-grooves 4) on the bottom of the container portion, the machine interface having a first configuration;

a receptacle portion (that which surrounds threaded boss 19, both the recess formed around boss 19 inside of guide rails 18 and guide surfaces 20 and guide rails 18 having an inversely L-shaped cross section) on the top of the container portion; and

a stacking adaptor plate (14) for releasable engagement with the container portion at the receptacle portion (the adaptor plate is inherently capable of being brought into releasable engagement with the receptacle portion by means such as another adaptor which engages both the adaptor plate and the receptacle portion), the adaptor plate configured to cooperate with a

Art Unit: 3727

machine interface with the first configuration, the plate having three rounded projections (oval guide members 15) which act as three container portion contact portions.

For claim 4, oval guide members 15 each act as an upwardly facing kinematic coupling portion.

For claim 6, oval guide members 15 define at least three rounded projections comprising one portion of a kinematic coupling.

For claims 8 and 9, Fig. 2 and 4 show that bottom plate 14 has three legs extending horizontally and spaced equally from one another with a rounded projection on each leg.

Second interpretation of Fujimori: Reads on claims 1-6.

Re claims 1 and 6, a first box having a container portion (1), door (12), machine interface (14), receptacle portion (guide rails 18 have an inverted L shape and form a receptacle on the top of the container portion with the top surface of the container portion 1 for the protruding prop of L shape form on the bottom of robotic flange 21), stacking adaptor plate (robotic flange 21), the stacking adaptor plate is configured to cooperate with a machine interface with the first configuration (if a second box with 1, 12, 14 and 21 above is placed on to of the first box, the stacking adaptor plate 21 of the first box would support the machine interface of the second box.

Re claim 2, the plate 21 has three rounded projections 22 and a detent (L shaped protruding prop 23).

Re claim 4, the stacking adaptor plate 21 has an upwardly facing kinematic coupling portion (top surface of 21).

Re claims 5 and 7, detent (L shaped protruding prop 23).

Third interpretation (invert the box): Reads on claims 1-9.

Re claim 1, container portion 1, door 12, machine interface 21, receptacle portion (V groove 4), stacking adaptor plate 14

Claims 4, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Betsuyaku.

For claims 4, 5 and 7, Betsuyaku discloses a stacking adaptor plate (15) for stacking wafer containers, the containers (1A, see Fig. 7) each having a top and a bottom with a kinematic coupling (both the flat surfaces of the top since the container may be inverted and the positioning means 4 and positioning ribs 5 on the bottom are inherently capable of being a kinematic coupling since suction cups or adhesive materials can attach to a flat surface) thereon, the adaptor plate is adapted to fit on the top of the wafer container (both when inverted and when in the upright configuration shown in Fig. 7 since the plate is inherently capable of being removed from the bottom and another adaptor can be used to attach the plate to the top through the use of suction cups or adhesive) to facilitate stacking of the wafer containers, the adaptor plate has an upwardly facing kinematic coupling portion (when the stacking adaptor plate is inverted, end face 10, guide face 11 and lowermost point 10a or when in upright configuration, the upwardly facing guide member 9A), the adaptor plate has a detent (recessed portion 17).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3727

Claims 2, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori in view of Betsuyaku.

Fujimori (first interpretation) discloses the invention except for the detent and the releasable engagement. Betsuyaku teaches detent 17. It would have been obvious to add a detent to modify the attachment such that more than a lifting force must be applied to detach the stacking adaptor plate from the container portion to prevent inadvertent detachment.

Claims 2, 3, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori in view of Johnson.

Fujimori (first interpretation) discloses the invention except for the detent engagement of the anchor plate to the top of a container portion there below and the stack of wafer carriers. Johnson teaches a stack of wafer carriers (see Fig. 7A-D). Johnson teaches a wafer carrier including a container portion (top cover 12 and disc box 14) and an adaptor plate (bottom cover 16), the adaptor plate engages the top (top cover 12) of the container portion immediately there below by a detent (at 70) and an associated recess (at 72), the detent projects downwardly for removable attachment to the wafer carrier / container portion there below. It would have been obvious to stack the wafer carriers as motivated by the conservation of storage area or space thereby achieved (i.e. compact storage). It would have been obvious to add a detent and associated recess to the underside of an adaptor plate to provide the sought after stable stackability as motivated by the restricted movement in both the longitudinal, horizontal and transverse, horizontal directions that the detent / recess provides. It would have been further obvious to modify the detent / recess to have a corresponding shape as the top (as the top of

Art Unit: 3727

Johnson has a projection (at 92)) as motivated by the ease with which the user can identify the stacking and engaging features in aligning the carriers for compact storage.

Applicant's arguments filed July 12, 2004 have been fully considered but they are not persuasive.

Applicant has misunderstood the grounds of anticipation to include inherency. The references explicitly disclose all elements needed for anticipation rather than inherently disclose.

In response to applicant's argument with respect to the anticipatory rejection of claims 1, 4, 6 and 8-10 with Fujimori that a releasable engagement has not been shown, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). The bottom plate is detachably fixed to the bottom surface and inherently capable of performing the intended use function.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner has mentioned that the plate should remained attached with a strength

Art Unit: 3727

which is greater than a lifting force since a force equal to the weight of the plate and/or the container should not be sufficient to detach the plate and wafer container. Applicant's attention is direct to column 12, lines 12-15 of Betsuyaku which states, "since engaging recessed portions 17 and engaging projected portions 16 are adapted to fit each other it is obviously possible to further firmly fit bottom plate 15 to container body 1A," as a further explicit teaching of obviousness.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on M-Th 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3727

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc